

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEPHANIE RAYMOND,

Plaintiff,

23-cv-3316 (PKC)

-against-

ORDER

FRANKLIN BH LLC, et al.,

Defendants.

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CASTEL, U.S.D.J.

On April 20, 2023, defendant Franklin BH LLC filed a Notice of Removal of an action originally brought in the Supreme Court of the State of New York, County of New York. According to the Notice of Removal, jurisdiction is premised on diversity of citizenship.

In its Order of April 25, 2023, the Court noted the following defects on the face of the Notice of Removal and in the state court pleadings:

- 1) Failure to allege the citizenship of an LLC defendant
- 2) Failure to allege the citizenship of an individual plaintiff
- 3) Failure of all defendants to join in the Removal Petition
- 4) Potentially Impermissible Removal by In-State Defendant

The Court ordered that within seven days, defendant Franklin BH, LLC could serve a single interrogatory upon plaintiff as to her citizenship, and plaintiff would have seven days to respond. Franklin BH, LLC was ordered to amend its removal petition to correct the jurisdictional deficiencies and/or omissions within thirty (30) days. The Court stated that failure or inability to amend to truthfully allege complete diversity of citizenship would result in the

action being remanded to state court for lack of subject matter jurisdiction without further notice to any party.

No amended petition has been filed. The Court therefore determines that it lacks subject matter jurisdiction over this action for the reasons identified in its prior Order. The action is accordingly remanded to Supreme Court, County of New York. The Clerk is directed to forthwith transmit the file to the appropriate office of that Court and to terminate the case in this Court.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
June 6, 2023